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OFFICE OF PETITIONS

Patent No. 6,987,448 :
Issued: January 17, 2006 :
Application No. 09/933,502 :
Filed: August 20, 2001 :
Attorney Docket No. 7175-68263// 11518-003- :
999 :

ON PETITION

This is a decision on the petition, filed March 22, 2006, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is Beacon Medical Products LLC and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests a certificate of correction.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

A review of the application file reveals that the request under 37 CFR 3.81(b) was not accompanied by a completed certificate of correction, as required by 3.81(b). *See also* MPEP 1481.01. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004


A review of Office database assignment records reflects that an assignment to Beacon Medical Products LLC has been recorded. Therefore, upon submission of the required certificate of correction, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Beacon Medical Products LLC was the assignee of record at the time of issuance of the application into a patent. *Note also 35 U.S.C. § 152.*

In view of the above, **the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of a completed a certificate of correction which sets forth Beacon Medial Products LLC, as the assignee.** *No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany the request for a Certificate of Correction.*

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction.

Petitioner paid two \$130.00 processing fees. Only one is required. \$130.00 will be credited to deposit account no. 50-3013, which is the account from which the charges were made.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3230. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Shirene Willis Brantley
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Office of Petitions